

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Ralston and Shana Downer

Appeal No.: V-108-19

Subject Property: Lot 22, Jr. John B Padgett Subdivision, being 9514 Lormar Lane, Clinton,
Prince George's County, Maryland

Witnesses: Sarah Gautier, Vice President, Surratt's Crossing Homeowners Association, Inc. (HOA)
JaDa Wells, Chair, Architectural Review Board, HOA
Stephanie Lee, HOA Member

Heard and Decided: November 6, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-420(a) prescribes that fences and walls more than 6 feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings; on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet high without the approval of a variance; on a corner lot consisting of one (1) acre or less, fences and walls in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioners propose to construct a 6-foot fence on a corner lot. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Craig Lane) is requested.

Evidence Presented

1. The property was subdivided in 2007, contains 13,663 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and rear deck. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The subject property is a corner lot with the dwelling facing Lormar Lane, being the legal front of the property. The rear yard is abutting the side street (Craig Lane). Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
3. Petitioners would like to construct a 6-foot white vinyl fence in the rear yard. Because the fence will abut the side street (Craig Lane), a waiver of the fence height and location requirement is requested. Exhs. 2, 3 and 5 (A) thru (J).
4. Surratt's Crossing Homeowners Association, Inc. provided a letter of approval subject to certain conditions. The conditions have been met with revised site plan Exhibit 17.
5. Petitioner Ralston Downer stated that the white vinyl fence will surround the full rear yard. The portion of the fence along Craig Lane will be setback 15 feet from the property line of Craig Lane commencing at the rear corner of the dwelling. He stated that the proposed fence will be a site tight fence for security to prevent pedestrians from cutting through the yard. In addition, the fence will provide a secure area for family and children. Exhs. 2, 3 and 5 (A) thru (J).

6. JaDa Wells, Chair of the Architectural Review Board, HOA, testified that Petitioners' variance request was reviewed by the HOA Board and the site plan modified to bring the front corner of the fence to the back corner of the house.¹ The Architectural Board wanted assurance that the site views on Craig Lane would not be obstructed by the height and location of the fence. Ms. Wells noted other properties located on corner lots within the neighborhood had received approval from the HOA to install 6-foot fences. She stated that the proposed 6-foot fence will not be out of character in the neighborhood. Exh. 17.

Applicable Code Section And Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the need to prevent pedestrians from traversing the subject property, the need for security and safety and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Craig Lane) in order to construct a proposed a 6-foot fence on the property located at 9514 Lormar Lane, Clinton, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved revised site plan, Exh. 17 and approved elevation plan, Exh. 3.

BOARD OF ZONING APPEALS

By:

(

ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

¹ The Board also asked for the proposed fence to be located at least 5 feet in from the sidewalk.

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.